Supreme Court, U.S.
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No. 92-209

In The

# Supreme Court of the United States

October Term, 1992

MICHAEL STEEN,

*Petitioner,*

v.

JERI LYNN THOMPSON, etc., and
JOSEPH DESHETRES,

*Respondents.*

**Petition For Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit**

## BRIEF OF AMICI CURIAE STATE OF CALIFORNIA, AND JOINING CITIES AND COUNTIES OF CALIFORNIA, IN SUPPORT OF PETITIONER MICHAEL STEEN'S PETITION FOR A WRIT OF CERTIORARI

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### Interest of Amici Curiae

The State of California, the County of Los Angeles, the City and County of San Francisco and 139 California cities join together to ask this Court to grant certiorari from an unpublished opinion of the Ninth Circuit.

This is an extraordinary request. It arises from extraordinary circumstances.

The Ninth Circuit's memorandum disposition is symptomatic of the Circuit's ongoing refusal to apply the qualified immunity to split-second judgments of police officers in deciding whether their lives and public safety are at risk. See, e.g., *McCleary v. Navarro*,___ U.S. ___, 112 S.Ct. 2324, 119 L.Ed.2d 243 (1992) (*cert. denied*, Rehnquist, CJ, White, O'Connor & Thomas, J, dissenting).

In *Hunter v. Bryant*, 502 U.S. ___, 112 S.Ct. 534, 540, 116 L.Ed.2d 589 (1992), this Court recently chided the Ninth Circuit on its mistaken view of the qualified immunity which constantly second-guessed police decisions from the safety of the courtroom and "routinely" placed the question of immunity in the hands of a jury.

*Hunter* fell on deaf ears. Nowhere is *Hunter* cited below. Despite *Hunter's* insistence that courts focus on the fast-breaking, ever-changing perspective of the officers at the scene, the Ninth Circuit still gives police officers *no* latitude for any reasonable exercise of judgment. Rather than asking whether the officers' chosen path was "objectively reasonable", the Ninth Circuit persists in asking whether the officers could not have chosen a "more reasonable" path. The difference between the two standards is the difference between an immunity and a defense, between a summary judgment and a jury trial.

Amici do not file this petition merely to immunize Sergeant Steen from suit, even though he is precisely the type of police officer engaged in precisely the type of police conduct which the qualified immunity is designed to protect. Instead, amici are concerned with larger issues of public safety and public welfare which this suit against

Sergeant Steen so aptly epitomizes. If the qualified immunity does not apply to this case (which clearly does involve split-second decisions), then when does it apply?

The issues are greater than a tug-of-war between the Ninth Circuit and this Court about how thinly the qualified immunity is to be sliced. To date, this Court has not decided a qualified immunity case involving the *timing* of an entry into a residence. The Ninth Circuit has apparently now established a "per se" rule that a 7 to 10 second wait is *not* objectively reasonable – even when the occupants received prior warning of the police presence, and even when the police officers reasonably believed that the occupants might react with armed resistance.

How much time would the Ninth Circuit consider to be objectively reasonable? The judges do not say. Instead, police officers are left only to guess. As hindsight demonstrates (Deshetres was armed and willing to use his pistol), it is the police whose safety will be jeopardized if the judges are wrong.

This Court should grant certiorari to make clear – once and for all – that Title 42 U.S.C. § 1983 suits should not be resolved by per se rules such as the number of seconds between a knock and an entry. Instead, the qualified immunity is designed to take such split-second, life-threatening issues away from judges and place them squarely within the purview of police officers.

*No* court should adopt a per se rule, whether 10 seconds, whether 15 seconds, whether 20 seconds, about how long police officers should wait between the time that they knock and the time that they enter. No court should peer over police officers' shoulders to offer its

own opinion about whether the officers' safety is "really" endangered when they reasonably fear armed resistance by violent persons forewarned of their approach.

These "factual" issues should all be swept into the qualified immunity, broadly defined and broadly applied. This Court should adopt a bright-line rule of objective reasonableness which prohibits any judicial nitpicking about whether 10, 15, or 20 seconds would be a "better" period of time to wait before making an entry.

There is *no* "factual dispute" from the perspective of Sergeant Steen and his fellow officers. The district court *agreed* about the facts which were apparent to him at the time. Under these circumstances, it is Sergeant Steen's reasonable belief – not the district court's – which should have been protected by the Ninth Circuit. The immunity standard announced by the Ninth Circuit is a judicial divining rod bent on locating a factual dispute lurking behind every discretionary decision made by a police officer.

Every law enforcement officer and every employing public entity has a significant interest in deciding the qualified immunity by objectively reasonable rules, rather than a form of judicial roulette as is currently the case. Civil rights plaintiffs also will be assisted by a clear resolution of this muddied issue, since they will be better able to assess the legal adequacy of their federal constitutional claims and decide whether their lawsuits are better pursued under traditional state tort theories.

Amici urge this Court to implement uniform ground rules to be applied across the nation, ground rules not amenable to the subjective capriciousness of judges

antagonistic to the immunity. Whether doctrinally confused or simply stubborn, judges still pen an alarming number of decisions that stray beyond all recognizable boundaries in the realm of qualified immunity.

It is time to reinforce those boundaries.

## Summary of Argument

In *Hunter*, this Court admonished the Ninth Circuit not to rationalize away a police officer's qualified immunity on the basis that, in the view of a jurist, the officer's interpretation of evolving and undisputed facts was "not the most reasonable." *Hunter*, 112 S.Ct. at 536.

The rulings below are rife with after-the-fact rationales spun years after Sergeant Michael Steen saw his plan to execute a narcotics search warrant – a plan that the district court characterized as "meticulously prepared" – quickly unravel because the targets of the warrant were prematurely warned of the officers' presence. The process that converted Officer Steen's split-second decision to make a forcible entry from one of reasonable judgment under the circumstances to one of Constitutional misconduct exemplifies the continuing misunderstanding and misapplication of qualified immunity law as currently reflected in judicial decisions nationally.

Unchecked, this judicial metamorphosis ensures that public entities and employees will suffer an unnecessary and devastating financial drain on their treasuries and pockets in defending ever-increasing numbers of lawsuits. More significantly, this process will turn qualified

immunity into a meaningless phrase, expose scores of police officers to personal liability, and thus "deter [their] willingness to execute [their] office with the decisiveness and the judgment required by the public good." *Scheuer v. Rhodes*, 416 U.S. 232, 240, 94 S.Ct. 1683, 40 L.Ed.2d 90 (1974).

## Argument

### I.

### JUDGES, WITH THE BENEFIT OF TIME AND HINDSIGHT, CANNOT BE PERMITTED TO SUBSTITUTE THEIR ALTERNATIVE VIEW OF REASONABLENESS TO DEFEAT THE QUALIFIED IMMUNITY.

Since this Court's 1982 decision in *Harlow v. Fitzgerald*, 457 U.S. 800, 102 S.Ct. 2727, 73 L.Ed.2d 396, the qualified immunity has been designed to protect law enforcement officials from harassing federal civil rights suits. Their discretionary decisions made in difficult and dangerous situations necessarily require quick responses under uncertain, shadowy facts.

Despite the intent behind the qualified immunity, government officials are increasingly being pushed into protracted litigation because of hindsight judicial scrutiny. As currently practiced, this scrutiny accords minimal, if any, deference to the police officer's factual assessments; instead, it rewards the litigant (or judge) best able to conjure up alternative scenarios that, in retrospect, seem "better".

This *ad hoc* decision-making beckons for a bright line rule, namely, that an official's conduct is measured against a threshold standard of reasonableness which, once satisfied, prohibits *any* endless inquiries into alternative or better courses of conduct.

In § 1983 suits arising out of the execution of searches, federal judges should limit themselves to the threshold inquiry of the objective legal reasonableness of the police officer's decisions. Doubts should be resolved in favor of the police officer, not in favor of the federal suit. To protect against the chilling effect of litigation, immunity issues should be resolved at the "earliest possible stage of the litigation." *Anderson v. Creighton*, 483 U.S. 635, 646 n. 6, 107 S.Ct. 3034, 97 L.Ed.2d 708 (1987). Once that legal threshold is met, police officers do not lose their qualified immunity merely because one can posit alternative or more reasonable interpretations of the facts. *Id.; Hunter, supra*, 112 S.Ct. at 537.

In this action, the district court denied the qualified immunity because it made the all-too-common mistake of searching for a "more reasonable" manner in which the officer could have responded. This error was compounded by the court of appeals' affirmance of the lower court's methodology.

In his analysis, the trial judge *acknowledged* six particular facts that would "support a reasonable belief that Sergeant Steen's team would be met with armed resistance." (App. at 52.) Nevertheless, by employing a steady barrage of howevers, althoughs, and on-the-other-hands, his musings below, as well as the appellate court's affirmation, turned *Anderson's* and *Hunter's* fact-specific

inquiry into a philosophical exercise. As a result, the fundamental proposition that no officer is held to a standard of perfection was prepositioned into obscurity.

Specifically, the district judge concluded that Sergeant Steen knew several facts when executing the warrant, including suspect Deshetres' 15-year arrest record for various weapon and drug charges, Deshetres' membership in a violent gang, a drug transaction occurring on the premises within the week, a massing of vehicles outside the residence in the past 48 hours, and the premature disclosure of the officers' presence by the driver of a pickup truck. (App. at 50-51.) He characterized these as "specific facts" from which he then distilled "three key presumptions."

This was his "reasoning". (The quote is extensive only because the second-guessing is so rampant. Its lengthy ponderings are the paradigm of prolonged analysis – a luxury that Sergeant Steen could ill-afford on the morning of March 17, 1987.)

> "First, the facts support a *reasonable belief* that Deshetres would be inside the house when defendants served the search warrant . . . Sergeant Steen knew that Deshetres lived at 3365 Moorland Avenue and could reasonably expect that he would be sleeping in his own house at 6:00 a.m. . . .
>
> "Second, the facts support a *reasonable belief* that Sergeant Steen's team would be met with armed resistance. Steen knew that Deshetres was housed within, and that he had a history of weapons offenses and a reputation for violence. *On the other hand,* Steen had no reliable evidence that other occupants would help Deshetres in resisting the police, or that Deshetres would be

> prepared to resist given the early morning time of the police's entry."
>
> "Third, the facts support a *reasonable belief* that plaintiffs received some warning, albeit a brief one, that police were approaching their residence. Sergeant Steen's intent to catch plaintiffs off guard was thus somewhat compromised.
>
> . . .
>
> Defendants' contention [regarding the premature warning], *however*, ignores the fact that the warning of police presence they assume plaintiffs received in this case is the equivalent of the circumstance of actual warning provided by knock-notice itself."

(App. at 51-52, 54.) (Emphasis added.)

Had Sergeant Steen attempted this legal exercise, reflecting about the ideal manner in which to react to an unforeseen stimulus, he risked being charged with dereliction of duty. Worse, he risked suffering the consequences of his own hesitation and delay by carrying memories of a criminal investigation gone awry or, tragically, a fellow officer slain.

The district court's approach accords no deference to Sergeant Steen's instantaneous decision that circumstances had changed, that officers were endangered, and forcible entry now justified. Moreover, when Sergeant Steen's decision was made, officers already had announced their presence and 7 to 10 seconds had elapsed. (App. at 2, 48, 106.) Further, actual entry was not effected until about 30 seconds later because the front

door had been "nailed shut with a large screwdriver." (App. at 106.)

Both lower courts ignored these critical facts. Also, they failed to appreciate that law enforcement officers are not legal scholars who can ponder the subtleties of precedent. As Justice O'Connor aptly noted, "it is not apparent how much Constitutional law the reasonable officer is expected to know." *Illinois v. Krull*, 480 U.S. 340, 367, 107 S.Ct. 1160, 94 L.Ed.2d 364 (1987) (O'Connor, J., dissenting). Her sentiments have been echoed by the Fifth Circuit:

> "[T]he standard by which to judge a police officer's claim to qualified immunity must be neither too general nor too specific. An officer on the beat is not expected to have and apply the knowledge of a constitutional scholar, whose stock and trade is giving concrete application to lofty, abstract legal principles; nor is he expected to have the expertise in every field of the specialist . . . Rather, we ask only that he act in accordance with what a reasonable officer 'should or should not know about the law he is enforcing.' [Citation omitted.]" *Gassner v. City of Garland, Texas*, 864 F.2d 394, 397 (5th Cir. 1989).

Qualified immunity is not a judicial parlor game. To abstract under the guise of "careful analysis" highly particularized facts bristling with danger and uncertainty bespeaks monumental naivete of the police officers' plight and accompanying need to make on-the-spot judgment calls; the officers' jobs are difficult enough without also converting them into prosecutor, judge and jury. This is especially so in our world of increasing crime, high-tech weaponry and excessive violence.

This Court is not blind to the attraction – and the danger – of ascending abstractions; for how qualified immunity works "depends substantially upon the level of generality" at which the analysis is conducted. *Anderson*, 483 U.S. at 639; see also *Sepulveda v. Ramirez*, 967 F.2d 1413, 1417 (9th Cir. 1992) (O'Scannlain, J., dissenting) ("[V]irtually any alleged right could be recast as part of a very broad right that is more generally recognized.")

The proper inquiry, which mandates viewing the specific circumstances faced by the officer to determine whether the law was clearly established under those circumstances, is being ignored. *Anderson*, 483 U.S. at 640-641. Amici fear that courts analyze the legal issue, but forget the underlying facts. See *Sepulveda, supra*.

*Anderson* and its progeny command that the facts be viewed from the officer's eyes and if other reasonable options existed, the immunity remains intact. See *Malley v. Briggs*, 475 U.S. 335, 341, 106 S.Ct. 1092, 89 L.Ed.2d 271 (1986) ("[I]f officers of reasonable competence could disagree on this issue, immunity should be recognized.") Put another way, "only if no reasonable police officer could have mistakenly believed that he had probable cause to arrest is the immunity forfeited." *Jones v. City of Chicago*, 856 F.2d 985, 994 (7th Cir. 1988).

Under the qualified immunity, it is irrelevant whether the officer was actually right or wrong, or whether subsequently acquired information corroborated or refuted the facts available to the officer at the time he acted. Only the information the government official had when he made the challenged decision is relevant. *Anderson, supra*.

No amount of "analysis" will transport a court back in time to face what the officer faced when the public good rested on his shoulders, and his shoulders alone. And not every error in judgment buys the officer a lawsuit. To bind law enforcement officers over for trial under such circumstances makes them a lure for litigants and casts them into the river of harassing civil suits that the qualified immunity was intended to avoid:

> "We have recognized that it is inevitable that law enforcement officials will in some cases reasonably but mistakenly conclude that probable cause is present, and we have indicated that in such cases those officials – like other officials who act in ways they reasonably believe to be lawful – should not be held personally liable." *Anderson*, 483 U.S. at 641-642.

The actions of public officials should not be hindered by the threat of retaliatory lawsuits. Were that the case, they would no longer take the oftentimes immediate action necessary to investigate serious charges or stop criminal activity in progress.

Regrettably, many courts still do not understand this. *Hopkins v. Andaya*, 958 F.2d 881 (9th Cir. 1992) (reversing grant of qualified immunity by relying on "milder version" of events contained in alleged victim's medical report); *Curnow v. Ridgcrest Police*, 952 F.2d 321 (9th Cir. 1991), *petition for cert. filed*, 61 U.S.L.W. 3061 (U.S. July 1, 1992) (No. 92-137) (affirming denial of qualified immunity because, from perspective of alleged victim, officer's conduct was unreasonable); *Navarro v. Barthel*, 952 F.2d 331 (9th Cir. 1991), *cert. denied, sub nom, McCleary v. Navarro*, ___ U.S. ___, 112 S.Ct. 2324, 119 L.Ed.2d 243

(1992) (affirming denial of qualified immunity because triable issue existed as to whether police officer described location of house identified in search warrant with "sufficient particularity").

In the Ninth Circuit, for example, some judges view the qualified immunity in terms of the burdens placed on the *plaintiff* rather than the official.

> "If appeals from denials of qualified immunity are also to become routine at the motion to dismiss stage, *the burden on civil rights plaintiffs*, in terms of both delay and expense, could be considerable.
>
> More important, the practice of filing routine appeals from denials of pretrial motions for qualified immunity, even in cases in which the district court was clearly correct, evinces a flagrant disregard of the Court's interest in creating the qualified immunity doctrine." *Pelletier v. Federal Home Loan Bank of San Francisco*,___ F.2d ___, Nos. 89-56265, 92-55023, 1992 WL 145063, at *4 (9th Cir. June 29, 1992) (emphasis added).

With *Pelletier* as the law of the Ninth Circuit, amici and other government officials are in a quandary over how to claim the immunity without incurring judicial ire. Cases like the instant one and *Pelletier* will undoubtedly dissuade officials from legitimately attempting to put an end to ill-founded lawsuits.

This Court has already warned the Ninth Circuit not to "routinely place[] the question of immunity in the hands of the jury," and instead to focus its inquiries on "whether the agents acted reasonably under settled law in the circumstances, not whether another reasonable, or

more reasonable, interpretation of the events can be constructed five years after the fact." *Hunter*, 112 S.Ct. at 537. The panel memorandum below did not even cite *Hunter*; nor did *Navarro* and *Hopkins*. (*Curnow* was decided before *Hunter*.) Clearly, something is still amiss.

Amici tread lightly in suggesting that one particular circuit remains inexplicably at odds with this Court's teachings on qualified immunity. It is a suggestion, however, compelled by the increasing number of volatile scenarios that police officers face daily, and the decreasing number of court decisions assuring the officer that he or she can count on the judiciary to strike the appropriate balance when the qualified immunity is legitimately claimed.

The appellate panel here commended the district court for "engag[ing] in the kind of fact specific analysis required by *Anderson*." (App. at 4.) This was the error – for the district court's analysis drained every fact of its real life meaning and stripped away the textures that only Sergeant Steen could comprehend. Pieces of information gathered by the officer in evolving situations will become nothing more than pawns discarded in a chess match if judges are allowed, as in this case, to extrapolate from undisputed and particular facts a matrix of "reasonableness" drawn on their own perceptions.

Simply put, we cannot sacrifice common sense at the altar of abstraction.

## II.

## CERTIORARI IS NECESSARY TO AFFORD THE QUALIFIED IMMUNITY TO POLICE OFFICERS WHO REASONABLY BELIEVE AN EXIGENT CIRCUMSTANCE (A SUSPECT'S DETECTION OF AN IMMINENT SEARCH WARRANT EXECUTION) EXCUSES FULL COMPLIANCE WITH KNOCK NOTICE.

The courts below concluded that a Misfits gangmember's detection of the officers' massing presence at the Misfit clubhouse and the gangmember's subsequent rapid movement to the rear of the clubhouse counted for *nothing* in determining whether an immediate forcible entry was justified. (App. at 8, 35, 52, 60.)

> "The facts known to the police before arriving at plaintiff's residence to execute the search warrant do not support exigent entry, and the additional fact of an assumed warning does not of itself, or in conjunction with the already known facts, justify an otherwise prohibited exigent entry." (App. at 55.)

In the criminal context, full compliance with knock-notice is not required if facts known to the officers would justify them in being "virtually certain" that the suspect already knows their purpose. *Miller v. United States*, 357 U.S. 301, 310, 78 S.Ct. 1190, 2 L.Ed.2d 1332 (1958); *People v. Tacy*, 195 Cal.App.3d 1402, 1418, 241 Cal.Rptr. 400 (Cal.Ct.App. 1987).

Federal case law excuses knock notice if, under the circumstances, full compliance would be a "useless gesture." *United States v. Squella-Avendano*, 447 F.2d 575 (5th Cir.), *cert. denied*, 404 U.S. 985, 92 S.Ct. 450, 30 L.Ed.2d 369 (1971) (suspects detected officers' surveillance); *United*

*States v. Singleton*, 439 F.2d 381 (3rd Cir. 1971) (after second knock, suspect parted curtains and saw officers, who then heard commotion inside; full compliance with knock notice excused).

However, the Ninth Circuit required, in addition to what they term a "presumed warning" from the suspect, independent evidence of *other* exigent circumstances. "[I]t was not objectively reasonable for Sergeant Steen to believe that the presumed warning from the pick-up driver, *in the absence of any other perceived risk of violence or destruction of evidence*, created any sort of exigency." (App. at 5.) (Emphasis added.)

Factually, however, there was ample and undisputed evidence pointing to a "risk of violence or destruction of evidence", that the officers could be "virtually certain" that their plan had been compromised, and that further notice would be a "useless gesture". The officers reasonably expected to find narcotics and narcotics paraphernalia on the premises. (App. at 72-75) Having knocked on the door and twice announced their presence, they could reasonably expect that further knock notice would induce the destruction of evidence. *United States v. Metz*, 608 F.2d 147 (5th Cir. 1979), *cert. denied*, 449 U.S. 821, 101 S.Ct. 80, 66 L.Ed.2d 24 (1980) (announcement not required if it would induce destruction of narcotics and, in any event, "outcry" of one suspect would have made announcement redundant).

Further, Sergeant Steen, by the district court's own reckoning, "knew that Deshetres was housed within, and that he had a history of weapons offenses and a reputation for violence." (App. at 52.) Thus, on the facts alone,

Sergeant Steen satisfied the panel's own elevated standard. See generally, *People v. Bittaker*, 48 Cal.3d 1046, 1073, 259 Cal.Rptr. 630, 774 P.2d 659 (Cal. 1989) ("[A]n announcement of purpose before arresting [defendant] would have been hazardous. Defendant was known to carry weapons.")

The question of exigency is not easily answered, especially when conflicting interests need to be weighed. The Ninth Circuit itself has noted this tension and the difficulties it poses even for appellate jurists.

> "The mixed question of exigency is rooted in constitutional principle and policies. Like many such mixed questions, its resolution requires us to consider abstract legal doctrines, to weigh underlying policy considerations, and to balance competing legal interests. In particular, its resolution requires that we strike a balance between two sometimes conflicting societal values – the safety of law enforcement officers and fourth amendment privacy interests. The essential and *difficult question* raised by this balancing is how much risk police officers can reasonably be expected to assume before disregarding the rules society has adopted to otherwise circumscribe the exercise of their *considerable discretionary authority* in carrying out their law enforcement duties.
>
> *"This is a question that no amount of factfinding will answer." United States v. McConney*, 728 F.2d 1195, 1205 (9th Cir.), *cert. denied*, 469 U.S. 824, 105 S.Ct. 101, 83 L.Ed.2d 46 (1984) (emphasis added).

If the facts as known to Sergeant Steen satisfy the criminal standard for exigent circumstances excusing

knock notice, surely he cannot be held civilly liable under some higher standard imposed by the opinions below. Yet, that is precisely what happened.

Legally, the panel cited no authority, and amici know of none, for superimposing one exigent circumstance upon another as a *requirement* for obtaining the qualified immunity. The law recognizes exigent circumstances for the officer's benefit when his or her conduct falls within that wide universe of discretion that no compendium of statute books could ever cover. Exigent circumstances are not, and never have been, the barriers to immunity that they became in this case.

## Conclusion

Rarely has rational conduct suffered at the hands of such an irrational process as that employed below. This Court's directives, from *Harlow* to *Hunter*, that police officers not be penalized for reasonable conduct under the circumstances have been muted into a litany of virtually meaningless phrases. Officers' pleas for qualified immunity now meet deafening silence as judges belabor undisputed facts and openly display their hostility to this entire area of the law.

*Hunter* targeted a principle still missed by many courts. This principle, to the detriment of this nation's public officials, remains obscured by a judge-made camouflage totally foreign to real life police encounters.

Accordingly, the State of California, the County of Los Angeles, the City and County of San Francisco, and

139 California cities, as amici curiae, respectfully ask that Sergeant Michael Steen's petition for a writ of certiorari be granted.

Respectfully submitted,

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The City and County of San Francisco
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The City of Alhambra
The City of Anaheim
The City of Angels Camp
The City of Antioch
The City of Arroyo Grande
The City of Atherton
The City of Atwater
The City of Bakersfield
The City of Banning
The City of Belmont
The City of Benicia
The City of Berkeley
The City of Bradbury
The City of Brentwood
The City of Burbank
The City of Burlingame
The City of Carlsbad
The City of Cathedral City
The City of Chula Vista
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The City of Colma
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The City of Costa Mesa
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The City of Exeter
The City of Fairfield
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The City of Fort Bragg
The City of Foster City
The City of Gardena
The City of Grand Terrace
The City of Grover City
The City of Healdsburg
The City of Hayward
The City of Hemet
The City of Huron
The City of Indio
The City of Lake Elsinore
The City of Lake Forest
The City of Laguna Beach
The City of La Mesa
The City of Lindsay
The City of Long Beach
The City of Los Altos
The City of Los Angeles
The City of Madera
The City of Manhattan Beach
The City of Martinez
The City of McFarland
The City of Merced
The City of Milpitas

The City of Montclair
The City of Monterey
The City of Monterey Park
The City of Morgan Hill
The City of Morro Bay
The City of Mountain View
The City of Napa
The City of National City
The City of Nevada City
The City of Norco
The City of Oakland
The City of Ontario
The City of Orange Cove
The City of Oroville
The City of Pacifica
The City of Palm Desert
The City of Palo Alto
The Town of Paradise
The City of Paso Robles
The City of Petaluma
The City of Pittsburg
The City of Pleasant Hill
The City of Pomona
The City of Porterville
The City of Port Hueneme
The City of Red Bluff
The City of Redding
The City of Redlands
The City of Rialto
The City of Riverside
The City of Rohnert Park
The City of Roseville
The City of Ross
The City of Sacramento
The City of San Anselmo
The City of San Buenaventura
The City of San Diego

The City of San Jose
The City of San Juan Capistrano
The City of San Leandro
The City of San Luis Obispo
The City of San Marcos
The City of San Mateo
The City of San Pablo
The City of San Rafael
The City of Santa Ana
The City of Santa Barbara
The City of Santa Clarita
The City of Santa Maria
The City of Santa Paula
The City of Sausalito
The City of Seaside
The City of Simi Valley
The City of Solana Beach
The City of Sonoma
The City of South Gate
The City of South Lake Tahoe
The City of South San Francisco
The City of Sunnyvale
The City of Tehachapi
The City of Temecula
The Town of Tiburon
The City of Tulare
The City of Turlock
The City of Tustin
The City of Vacaville
The City of Vernon
The City of Visalia
The City of Wasco
The City of West Covina
The City of Woodlake